

*Amendment and Response Under 37 C.F.R. §1.116 - Expedited Examining Procedure*

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*Serial No.: 09/772,598*

*Confirmation No.: 2967*

*Filed: January 30, 2001*

*For: CRYSTALLIZATION AND STRUCTURE DETERMINATION OF STAPHYLOCOCCUS AUREUS NAD SYNTHETASE*

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### **Remarks**

The Final Office Action mailed September 29, 2004 has been received and reviewed. Claims 44, 46, 48, 50, and 52 having been amended, and claims 45, 47, 49, 51, 53, 56-57, and 62-65 having been canceled herein, the pending claims are claims 39-44, 46, 48, 50, 52, 54-55, and 58-61. Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 44, 46, 48, 50, and 52 have been amended to incorporate the language of, for example, dependent claims 45, 47, 49, 51, and 53, now canceled.

### **Interview Summary**

Applicants thank Examiner Channing S. Mahatan and Supervisory Patent Examiner Michael P. Woodward for granting Applicants' Representative, Loren D. Albin, a telephonic interview on January 6, 2005. The rejection of the pending method claims under 35 U.S.C. §112, first paragraph, was discussed, and it was agreed that the presentation of independent method claims including a recitation of a solution including "18% by weight to 22% by weight PEG 1500" (as recited for example, in dependent claims 45, 47, 49, 51, and 53, now canceled) would overcome the rejection under 35 U.S.C. §112, first paragraph. Claims 44, 46, 48, 50, and 52 have been so amended herein.

### **Rejection under 35 U.S.C. §112, First Paragraph**

The Examiner rejected claims 44-53, 56-57, and 62-65 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

While not acquiescing to the rejection, Applicants have amended claims 44, 46, 48, 50, and 52 to overcome the rejection under 35 U.S.C. §112, first paragraph (as discussed in

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the Interview Summary section), and claims 45, 47, 49, 51, 53, 56-57, and 62-65 have been canceled. Thus, the rejection has been rendered moot.

**Allowable Subject Matter**

Applicants respectfully thank the Examiner for indicating that claims 39-43, 54-55, and 58-61 are allowable.

Applicants further submit that claims 44, 46, 48, 50, and 52 (as amended) are also now in condition for allowance.

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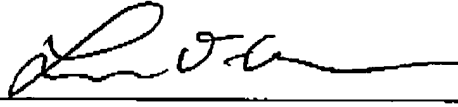
**Summary**

It is respectfully submitted that all the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for  
Benson et al.

By  
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January 25, 2005  
Date

By:   
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**CERTIFICATE UNDER 37 CFR §1.8:**

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25<sup>th</sup> day of January, 2005, at 10:29 am (Central Time).

By:

  
Name: Sam E. Olson